

IN THE UNITED STATES RECEIVING OFFICE

Applicant : Brian Smith, et al.
Serial No. : 10/576,849
Filed : April 20, 2006
Title : BENAZEPINE DERIVATIVES AND METHODS OF PROPHYLAXIS OR TREATMENT OF 5HT2C RECEPTOR ASSOCIATED DISEASES

MAIL STOP PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

In response to the Notification of Missing Requirements mailed February 9, 2007 (copy enclosed), Applicant as a large entity submits herewith the following:

- Payment of the surcharge of \$130 for late filing of the basic filing fee and/or declaration.
- The fee in the amount of \$130 is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization.
- A Combined Declaration and Power of Attorney in compliance with 37 CFR §§1.63 and 1.497;

It is understood that this perfects the application and no additional papers or filing fees are required. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: April 9, 2007



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**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER
20750-048US1 076.US2.PCT

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)
10/576,849

INTERNATIONAL APPLICATION NO.
PCT/US2004/034917

INTERNATIONAL FILING DATE
October 21, 2004

PRIORITY DATE CLAIMED
October 22, 2003

TITLE OF INVENTION

BENZAZEPINE DERIVATIVES AND METHODS OF PROPHYLAXIS OR TREATMENT OF 5HT2C RECEPTOR ASSOCIATED DISEASES

APPLICANT(S) FOR DO/EO/US

Brian M. Smith, Charles A. Gilson, III, Jeffrey A. Schultz and Scott A. Estrada

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. The US has been elected (Article 31).
5. A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. is attached hereto (required only if not communicated by the International Bureau).
 - b. has been communicated by the International Bureau.
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US).
6. An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. is attached hereto.
 - b. has been previously submitted under 35 U.S.C. 154(d)(4).
7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. are attached hereto (required only if not communicated by the International Bureau).
 - b. have been communicated by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
8. An English language translation of amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13. A preliminary amendment.
14. An Application Data Sheet under 37 C.F.R. 1.76.
15. A substitute specification.
16. A power of attorney and/or change of address letter.
17. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 C.F.R. 1.821 - 1.825.
18. A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. Other items or information:
Response to Notification of Missing Requirements

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5) 10/576,849	INTERNATIONAL APPLICATION NO.	ATTORNEY'S DOCKET NUMBER 20750-048US1 076.US2.PCT			
The following fees have been submitted		CALCULATIONS PTO USE ONLY			
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300		\$0.00			
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 All other situations..... \$200		\$0.00			
23. <input type="checkbox"/> Search fee If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB \$400 All other situations..... \$500		\$0.00			
Total of 21, 22 and 23 =		\$0.00			
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
-100 =	/50=		X \$250		
Surcharge of \$130 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 C.F.R. 1.492(h)).		\$130.00			
CLAIMS		NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims		- 20 =		x \$50	
Independent Claims		- 3 =		x \$200	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$360	
		TOTAL OF ABOVE CALCULATIONS =		\$130.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 C.F.R. 1.27. Fees above are reduced by ½.				\$0.00	
		SUBTOTAL =		\$130.00	
Processing fee of \$130 for furnishing the English Translation later than 30 months from the earliest claimed priority date (37 C.F.R. 1.492(j))		+		\$0.00	
		TOTAL NATIONAL FEE =		\$130.00	
Fee for recording the enclosed assignment (37 C.F.R. 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property		+		\$0.00	
		TOTAL FEES ENCLOSED =		\$130.00	
		Amount to be refunded:	\$0.00		
		Amount to be charged:	\$130.00		
a. <input type="checkbox"/> A check in the amount of \$0.00 to cover the above fees is enclosed.					
b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 06-1050 in the amount of \$130.00 to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1050. A duplicate copy of this sheet is enclosed.					
d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 C.F.R. 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO:					
PTO Customer No:		26204	SIGNATURE		
			Timothy A. French		
NAME					
30,175					
REGISTRATION NUMBER					